

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

RODOLFO MCCANDLESS FALCON, IV

PETITIONER

V.

CIVIL ACTION NO. 3:21-CV-376-KHJ-ASH

COMMISSIONER BURL CAIN

RESPONDENT

ORDER

Before the Court is the [23] Report and Recommendation (“Report”) of United States Magistrate Judge Andrew S. Harris. The Report recommends denying pro se Petitioner Rodolfo McCandless Falcon, IV’s [1], [4] Petition for Writ of Habeas Corpus. [23] at 1, 8. The Report notified the parties that failure to file written objections within 14 days would bar further appeal in accordance with 28 U.S.C. § 636. *Id.* at 8.

When no party objects to a magistrate judge’s report, the Court need not review it de novo. *See* 28 U.S.C. § 636(b)(1). Instead, the Court can apply the clearly erroneous, abuse-of-discretion, and contrary-to-law standard of review. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam).

Falcon seeks habeas relief, “challenging his state-court conviction for sale of methamphetamine and conspiracy to sell methamphetamine.” [23] at 1 (citing [1]; [4]). The Magistrate Judge recommends dismissing the petition with prejudice because Falcon “has not shown the state-court decisions addressing the arguments he now makes were contrary to or involved an unreasonable application of clearly

established federal law or were based on an unreasonable determination of the facts in light of the evidence.” *Id.* at 8.

Falcon filed no objections to the Report, and the time to do so has passed. The Report is neither clearly erroneous nor contrary to law. The Court therefore adopts the Report as the opinion of this Court.

Accordingly, the Court DENIES Petitioner Rodolfo McCandless Falcon, IV’s [1], [4] Petition for Writ of Habeas Corpus and DISMISSES Falcon’s habeas claims with prejudice. The Court will issue a final judgment consistent with this Order.

SO ORDERED, this 20th day of May, 2024.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE